

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**ALEXANDRIA DIVISION**

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**CHARLES HOGANS**

**CIVIL ACTION NO. 04-1286-A**

**-vs-**

**JUDGE DRELL**

**LOUISIANA DEPARTMENT OF  
CORRECTIONS, et al.**

**MAGISTRATE JUDGE KIRK**

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**R U L I N G**

This suit involves certain medical decisions made, according to the petition, by medical personnel at Louisiana State University Health Services Center after plaintiff made several medical complaints while incarcerated at the Department of Corrections' Forcht-Wade treatment unit in Caddo Parish. As nearly as can be determined from the petition, plaintiff's claims are factually medical malpractice claims, though he couches them as alleged violations of civil rights.

Defendants have filed a motion to dismiss for failure to state a claim upon which relief can be granted in THIS court. We note that the motion is unopposed. Under these circumstances, it is well taken. The complaint does fail to state a claim cognizable in a federal court, and the Court must dismiss this claim. The

dismissal will be without prejudice to any claims which plaintiff has made or may make in state court.

SIGNED on this 21<sup>st</sup> day of June, 2005, at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', written over a horizontal line.

Dee D. Drell  
United States District Judge